

FINAL BILL REPORT

SHB 1266

C 325 L 05

Synopsis as Enacted

Brief Description: Updating laws on drugs and alcohol use by commercial drivers.

Sponsors: By House Committee on Transportation (originally sponsored by Representatives Murray, Woods and Kenney; by request of Department of Licensing).

House Committee on Transportation
Senate Committee on Transportation

Background:

Commercial motor carriers are required under federal law to implement drug and alcohol testing programs for their drivers. In 2002, legislation was enacted requiring all medical review officers (MRO) and breath alcohol technicians (BAT) who conduct drug or alcohol testing for commercial motor carriers to report positive test results for a commercial driver directly to the Department of Licensing (DOL). A driver who wishes to challenge the positive drug or alcohol test result is entitled to a hearing.

The DOL is required to disqualify an individual from driving a commercial motor vehicle if he or she fails a drug or alcohol test. A disqualification remains in effect until the driver presents evidence of satisfactory participation in, or completion of, a drug or alcohol program certified by the Department of Social and Health Services. The DOL reinstates the commercial driver's license once it receives this evidence.

Summary:

Definitions are provided for "positive alcohol confirmation test," "substance abuse professional," and "verified positive drug test" and the definition of drugs is clarified to include substances defined in federal regulations.

A refusal to take a drug or alcohol test that meets the standard for refusal under federal law is considered equivalent to a report of a verified positive drug test or a positive alcohol confirmation test, respectively.

A motor carrier, employer, or consortium that is required to have a testing program must report a refusal by a commercial motor vehicle driver to take a drug or alcohol test to the DOL, when the MRO or BAT has not reported the refusal.

An MRO or BAT under contract with an employer involved in transit operations may report a positive alcohol or drug test for transit drivers to the DOL only when the positive test is a pre-employment screening test. A transit employer must report a positive test to the DOL only after: (1) the driver's employment has been terminated or the driver has resigned; (2) any

grievance procedures, up to but not including arbitration, have been concluded; and (3) at the time of termination or resignation, the driver has not been cleared to return to safety sensitive functions.

At a hearing to challenge a driver's disqualification, a copy of a positive test result with a declaration by the tester, MRO, or BAT that states the accuracy of the laboratory protocols used to arrive at the test result is prima facie evidence of: (1) the positive test result; (2) that the motor carrier, employer, or consortium has a testing program subject to federal requirements; and (3) that the MRO or BAT making the report accurately followed the protocols for testing established to verify or confirm the results.

A driver's disqualification remains in effect until a driver undergoes a drug and alcohol assessment by a substance abuse professional (SAP) who meets federal requirements. The driver must then present proof of satisfactory participation in or completion of the drug or alcohol program recommended by the SAP. The SAP is required to provide a recommendation to the DOL for use in determining the driver's eligibility for driving a commercial vehicle.

Votes on Final Passage:

House	96	0	
Senate	45	0	(Senate amended)
House	94	1	(House concurred)

Effective: July 24, 2005